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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,306	09/23/2003	Tatsuya Imai	243085US2	9272
22850 7590 02/08/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/667,306	Applicant(s) IMAI, TATSUYA	
	Examiner Longbit Chai	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Currently pending claims are 1 – 9, 11 – 19, 23 and 24.

Response to Arguments

2. The information disclosure statement filed 3/29/2006 is proper and has been entered.
3. Applicant's arguments with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 8, 11 – 12, 15, 19 and 23 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S. Patent 5,768,483).

As per claim 1, 11 – 12 and 23 – 24, Gecht teaches a management mediating device: comprising:

management system communication means for making a connection to a management system outside a fire wall from inside the fire wall (Gecht : Abstract / Line 10 – 15 and Column 8 Line 12 – 18), and receiving a command from the management system (Gecht : Figure 1 & 8, Column 10 Line 23 – 45);

processing means for performing a process in accordance with the received command (Gecht : Column 10 Line 23 – 45 and Column 5 Line 18 – 25);

management object system communication means for transferring the command to a management object system (Gecht : Column 10 Line 38 – 45);

storing means for storing a connection schedule of the management system communication means (Gecht : Column 5 Line 22 – 25, Column 5 Line 58 – 60 and Column 12 Line 56 – 59: requested print job can include a schedule); and

instructing means for, in accordance with the connection schedule, instructing the management system communication means to make a connection to the management system (Gecht : Column 3 Line 30 – 32 and Column 5 Line 18 – 21: the polling device may periodically poll the spooling server is considered as periodically start the connection to the management device at the polling / connection start interval).

However, Gecht does not teach obtaining data indicating a usage state of an image forming apparatus in a local area and transferring the data to the management system.

Maniwa teaches obtaining data indicating a usage state of an image forming apparatus in a local area and transferring the data to the management system (Maniwa : Figure 9 and Column 3 Line 17 – 27: Examiner notes each image-forming device (e.g.

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printer controller) is configured with NIC (Network Interface Card) for communication purpose which is interpreted as the "image-forming-device communication unit" – i.e. the image-forming-device communication unit is configured to interface with the network in the following manners: (a) transmits a device message to the corresponding image-forming device upon receiving the device message from the network (i.e. the management system), and (b) receives the device-state information from the corresponding image-forming device and forwards to the network (i.e. the management system)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Maniwa within the system of Gecht because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Maniwa teaches providing improved printing functions in which the convenience of work for receiving / responding print image data between the file server and printer controller over a network (Maniwa : Column 4 Line 40 – 46).

As per claim 4 and 15, Gecht teaches the processing means has a schedule changing function of changing the connection schedule stored in the storing means in accordance with the command (Gecht : Column 12 Line 56 – 59).

As per claim 8 and 19, Gecht teaches when the command is a schedule requiring command, the processing means reads the connection schedule from the storing means, and causes the management system communication means to provide the connection schedule to the management system (Gecht : Column 5 Line 58 – 60 and Figure 9: The print job may include the schedule and the requested print job is communicated between the management device and the polling device).

5. Claims 2 – 3 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S. Patent 5,768,483), in view of Takahashi et al. (U.S. Patent 6,424,429), and in view of Reichman et al. (U.S. Patent 6,535,716).

As per claim 2 and 13, Gecht as modified teaches making a connection to the management system at a specific time (Gecht : Column 5 Line 22 – 25). However, Gecht does not disclose expressly (1) making a connection to the management system at a specified date and time.

Takahashi teaches:

(1) an instruction of making a connection to the management system at a specified date and time (Takahashi : Column 5 Line 40 – 46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Takahashi within the system of Gecht as modified because (a) Gecht teaches providing printing services over a

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communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Takahashi teaches providing a flexible scheduling mechanism to deliver the data resource from the internet based on the user desired schedules (Takahashi : Column 5 Line 40 – 46).

Gecht in view of Takahashi teaches:

(2) an instruction of making a connection to the management system at a specified time every day (Takahashi : Column 5 Line 40 – 46: the specific date / time is selected based on the user's desired schedules, which evidently covers any range of year, month and day as presented by a calendar and as such scheduling at a specific time everyday is thus feasible as taught by Takahashi);

(3) an instruction of making a connection to the management system at a specified date and time every month (Takahashi : Column 5 Line 40 – 46: See the same rationale as set forth in rejecting item-(2));

(4) an instruction of making a connection to the management system in a specified period at intervals of a specified value (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Takahashi : Column 5 Line 40 – 46: the specific date / time, as taught by Takahashi, is selected based on the user's desired schedules, which evidently covers any range of a specific period (year/month/day) as presented by a calendar);

(5) an instruction of making a connection to the management system in a specified period at intervals of a specified value every day (Gecht : Column 12 Line 56 –

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59: dynamically adjusted interval & Takahashi : Column 5 Line 40 – 46: See the same rationale as set forth in rejecting item-(2)).

However, Gecht in view of Takahashi does not disclose expressly (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period.

Reichman teaches (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time and thereby, Examiner notes “an indefinite period” is interpreted as an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as 2106 / month / day).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reichman within the system of Gecht as modified because (a) Gecht as modified teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Reichman teaches providing a flexible scheduling mechanism to deliver the data resource from the satellite network that can yield optional bandwidth on demand features to remote terminals (Reichman : Column 2 Line 28 – 32 and Column 9 Line 14 – 21).

6. Claims 2 – 3 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S.

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Patent 5,768,483), in view of Fujisawa (U.S. Patent 2002/0059176), and in view of Reichman et al. (U.S. Patent 6,535,716).

As per claim 2 and 13, Gecht as modified teaches making a connection to the management system at a specific time (Gecht : Column 5 Line 22 – 25). However, Gecht does not disclose expressly (1) making a connection to the management system at a specified date and time.

Fujisawa teaches:

(1) an instruction of making a connection to the management system at a specified date and time (Fujisawa : Para [0151] Line 7 – 12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fujisawa within the system of Gecht as modified because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Fujisawa teaches providing a flexible scheduling mechanism to deliver the data resource from the internet based on the user desired schedules (Fujisawa : Para [0007] and [0151]).

Gecht in view of Fujisawa teaches:

(2) an instruction of making a connection to the management system at a specified time every day (Fujisawa : Para [0151] Line 7 – 12: the specific date / time is selected based on the user's desired schedules, which evidently covers any range of year, month and day as presented by a calendar and as such scheduling at a specific time everyday is thus feasible as taught by Fujisawa);

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(3) an instruction of making a connection to the management system at a specified date and time every month (Fujisawa : Para [0151] Line 7 – 12: See the same rationale as set forth in rejecting item-(2));

(4) an instruction of making a connection to the management system in a specified period at intervals of a specified value (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Fujisawa : Para [0151] Line 7 – 12: the specific date / time, as taught by Fujisawa, is selected based on the user's desired schedules, which evidently covers any range of a specific period (year/month/day) as presented by a calendar);

(5) an instruction of making a connection to the management system in a specified period at intervals of a specified value every day (Gecht : Column 12 Line 56 – 59: dynamically adjusted interval & Fujisawa : Para [0151] Line 7 – 12: See the same rationale as set forth in rejecting item-(2)).

However, Gecht in view of Fujisawa does not disclose expressly (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period.

Reichman teaches (6) an instruction of making a connection to the management system from a specified date and time at intervals of a specified value for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time and thereby, Examiner notes “an indefinite period” is interpreted as an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as 2106 / month / day).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reichman within the system of Gecht as modified because (a) Gecht as modified teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Reichman teaches providing a flexible scheduling mechanism to deliver the data resource from the satellite network that can yield optional bandwidth on demand features to remote terminals (Reichman : Column 2 Line 28 – 32 and Column 9 Line 14 – 21).

As per claim 3 and 14, the claim limitations are met as the same reasons as that set forth in the paragraph above regarding to claim 2 and 13 with the exception of the features (3) when only the start date and time is specified, and a month of the start date and time is not specified, an instruction of making a connection to the management system at the start date and time every month (Reichman : Column 9 Line 19 – 21: preferred schedule contains start date/ time and end date / time, as taught by Reichman, and therefore, Examiner notes when a month of the start date and time is not specified, the situation is considered as the month is ignored with unknown value and thus only the day / time would be executed regardless in every month); (5) See the same rationale of rejection as (3). (6) when the start date and time and the value of the interval are specified, and the end date and time is not specified, an instruction of making a connection to the management system from the start date and time for an indefinite period (Reichman : Column 9 Line 19 – 21: preferred schedule contains start

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date/ time and end date / time, as taught by Reichman, and therefore, Examiner notes "an indefinite period" is interpreted as an unexpected long period of time – for example, when the end date / time (year/month/day) is configured as an unknown value).

7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S. Patent 5,768,483).

As per claim 5 and 16, Gecht as modified teaches adding an additional connection schedule to the connection schedule stored in the storing means, the additional connection schedule being attached to the schedule adding command (Gecht : Column 12 Line 56 – 59: It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gecht's reference to accommodate adding an additional connection schedule because Gecht teaches dynamically adjustable scheduled polling interval based on the traffic or requests for files (Gecht : Column 12 Line 56 – 59).

8. Claims 6 – 7 and 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S. Patent 5,768,483), in view of Barrett et al. (U.S. Patent 2001/0056485).

As per claim 6 and 17, Gecht does not disclose expressly the connection schedule is constituted by a plurality of unit schedules, and an identifier is attached to

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each of the unit schedule, when the command is a schedule deleting command, the processing means searches the storing means to find the unit schedule corresponding to the identifier attached to the schedule deleting command, and deletes the found unit schedule.

Barrett teaches the connection schedule is constituted by a plurality of unit schedules and an identifier is attached to each of the unit schedule (Barrett : Para [0019] Line 17 – 23 and [0049]: the dynamic scheduling is used to identify the target samples – i.e. each target sample has its own identified individual dynamic schedule), when the command is a schedule deleting command, the processing means searches the storing means to find the unit schedule corresponding to the identifier attached to the schedule deleting command, and deletes the found unit schedule (Barrett : Para [0019] Line 17 – 23 and [0049]: It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Barrett's reference to accommodate deleting an existing connection schedule because Barrett teaches dynamically adjustable scheduler).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Barrett within the system of Gecht as modified because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Barrett teaches providing a flexible and dynamic scheduling mechanism for providing efficient data collection and efficient scheduling of data collection (Barrett : Para [0011] and [0049]).

As per claim 7 and 18, Gecht does not disclose expressly the command is an all schedule changing command, the processing means extracts an Internet address attached to the all schedule changing command, causes the management system communication means to obtain a new connection schedule existing at the Internet address, and replaces the connection schedule stored in the storing means with the new connection schedule.

Barrett teaches the command is an all schedule changing command (Barrett : Para [0019] Line 17 – 23 and [0049]: the dynamic scheduling is used to identify the target samples – i.e. each target sample has its own identified individual dynamic schedule and therefore, Examiner notes a connection schedule is constituted by a plurality of unit schedules associated with a plurality of target samples), the processing means extracts an Internet address attached to the all schedule changing command, causes the management system communication means to obtain a new connection schedule existing at the Internet address, and replaces the connection schedule stored in the storing means with the new connection schedule (Barrett : Para [0044] Last Sentence and Para [0039] Last Sentence : the schedule is downloaded from the internet and therefore, an internet address must be used for downloading process). See same rationale of combination applied herein as above in rejecting the claim 6.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al. (U.S. Patent 6,859,832), in view of Maniwa et al. (U.S. Patent 5,768,483), in view of Anderson et al. (U.S. Patent 2002/0194307).

As per claim 9, Gecht does not disclose expressly the management system communication means has a SOAP processing function of making communication with the management system based on SOAP.

Anderson teaches the management system communication means has a SOAP processing function of making communication with the management system based on SOAP (Anderson : Para [0064] and Para [0031]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Anderson within the system of Gecht as modified because (a) Gecht teaches providing printing services over a communication network using device management between the spooling server and the polling device (Gecht : Column 1 Line 8 – 10 and Figure 1) and (b) Anderson teaches providing a simple object access protocol (SOAP) between the mobile print server and the printer (Anderson : Para [0011] and [0049]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

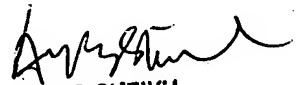
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Longbit Chai
Examiner
Art Unit 2131


LBC


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